

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JOHN E BETTYS,

Plaintiff,

v.

KEVIN QUIGLEY et al.,

Defendants.

CASE NO. 3:16-CV-05076-RJB-JRC

ORDER GRANTING MOTION TO  
CONSOLIDATE CASES

The District Court has referred this 42 U.S.C. § 1983 civil rights action to United States Magistrate Judge J. Richard Creatura. The Court's authority for the referral is 28 U.S.C. § 636(b)(1)(A) and (B), and local Magistrate Judge Rules MJR3 and MJR4.

Before the Court is plaintiff's motion to consolidate. Dkt. 62. Plaintiff filed this civil rights action on February 1, 2016. Dkt. 1. Plaintiff also filed a similar action in this Court on July 14, 2016. *See Bettys v. Lashaway et al.*, Case No. 16-5626-RJB-DWC.

Plaintiff now moves to join the action filed in Case. No. 16-5626-RJB-DWC with the action filed here, stating that the cases address the same issues and same parties. Dkt. 62. Consolidation of cases is authorized by Local Civil Rule 42. *See* Local Rules W.D. Wash. CR 42. Defendants do not oppose plaintiff's motion and believe that it would serve the interests of justice and court efficiency to consolidate these cases. Dkt. 68. The Court interprets defendants'

1 response as satisfaction of the meet and confer requirement and a stipulation of consolidation.

2 *See id.*

3 Accordingly, the Court ORDERS:

4 (1) Plaintiff's motion to consolidate, Dkt. 62, is GRANTED.

5 (2) *Bettys v. Lashway*, Case No. 16-5626-RJB-DWC is consolidated with this action.

6 This action, Case No. 16-5076-RJB-JRC, shall remain the lead case. All future  
7 filings shall bear Case No. 16-5076-RJB-JRC.

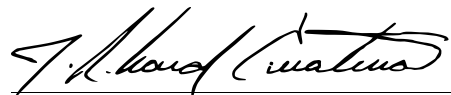
8 (3) The Clerk is directed to terminate all pending motions in Case No. 16-5626-RJB-  
9 DWC and reassign Case No. 16-5626 to the Honorable Robert J. Bryan, with  
10 referral to the Honorable J. Richard Creatura, as related Case No. 16-5076.

11 (4) Plaintiff shall file one amended complaint setting forth all claims in this  
12 consolidated matter on or before **December 10, 2016**. Accordingly, plaintiff's  
13 pending motion to file an amended complaint (Dkt. 78) is denied as moot. The  
14 Court will address defendants' pending motion to dismiss (Dkt. 47) in a  
15 separately filed report and recommendation.

16 (5) The existing pretrial scheduling order entered in this action (Dkt. 63) will govern  
17 the case schedule in the consolidated matter.

18 (6) The Clerk shall send copies of this Order to plaintiff, counsel for defendants and  
19 to the Honorable David W. Christel.

20 Dated this 10th day of November, 2016.

21 

22 J. Richard Creatura  
23 United States Magistrate Judge  
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